

In the Supreme Court of the State of Alaska

**Andrea Trescot, M.D., and Algone
Center, LLC,**

Petitioners,

v.

**Tabatha Foy, Mark Foy, Michael Foy,
and Alissa Foy,**

Respondents.

Trial Court Case No. **3AN-14-10021CI**

Supreme Court No. **S-17710**

Order

Motion to Supplement Record and Stay
Briefing until Record Supplemented

Date of Order: **9/1/2020**

Having considered the respondents' motion to supplement the record for this petition for review, having considered the petitioners' opposition thereto, and being advised that the trial court recently discovered additional materials that should be in the record for this petition for review,

IT IS ORDERED that, absent a stipulation by the parties about the correct record for this petition for review received by this court within 15 days of this order's circulation, the issue of the correct record for this petition for review shall be **REMANDED** to the trial court for determination of the correct record for this petition for review within 75 days of this order's circulation.

Two specific points about the record are made in light of statements in the parties' motion papers: log notes of trial days may be made part of the record on appeal, but citations to log notes as a substitute for citations to substantive testimony or oral discussions in the trial court will not be allowed; and the transcript of the February 20, 2020 hearing shall be made a part of the record only if the parties so stipulate or the trial court concludes that some content of that transcript is relevant to the issues raised by this petition for review.

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The Clerk of the Appellate Courts shall transmit copies of the respondents' current motion packet and the petitioners' response thereto to the trial court for its consideration; the trial court may take whatever action it deems appropriate to resolve the record dispute, including but not limited to an evidentiary hearing or additional briefing from the parties. If the trial court is unable to respond within the noted time period, the trial court should issue an order notifying this court of the status of the matter. In the meantime, further proceedings in this petition for review are **STAYED** pending completion of the trial court record by stipulation or by trial court order.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts

A handwritten signature in cursive script that reads "Joyce Marsh".

Joyce Marsh, Deputy Clerk

cc: Judge Henderson
Distribution:

Email:
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